

**DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT**

**Bend-Fort Rock Ranger District
Deschutes National Forest
Deschutes, Oregon**

Cascade Lakes National Scenic Byway Welcome Station Environmental Assessment

This Decision Notice documents my decision to authorize Alternative 2 of the Cascade Lakes National Scenic Byway Welcome Station Environmental Assessment (EA). The completed EA is on file at the Bend/Fort Rock District Office located at 1230 N.E. Third Street, Suite A-262, Bend, Oregon.

Location

The project location for the Cascade Lakes National Scenic Byway Welcome Station is approximately five miles southwest of Bend, Oregon. The project area is located adjacent to the Scenic Byway (Highway 46, Century Drive) and directly across the highway from the junction with Forest Road 41. The legal location is in Township 18 South, Range 11 East, Section 21; Willamette Meridian, Deschutes County, Oregon. Refer to the general vicinity and locator maps (Figure 1, page 8 and Figure 2, page 9).

The location is within the Scenic Views Management Area, as designated by the Deschutes National Forest Land and Resource Management Plan (LRMP). It is also within the Ryan Ranch Key Elk Area. It is east of the Northwest Forest Plan boundary. There are no water sources or threatened and endangered species of plants, animals, or fish. There are no archaeological sites, roadless areas, or Wilderness areas. It is an area that has been heavily impacted by previous use.

Decision

I have decided to authorize Alternative 2 of the Cascade Lakes National Scenic Byway Welcome Station EA with associated Resource Protection Measures (Mitigations). Refer to Figure 3, page 10 for a visual representation of the project.

Alternative 2 addresses the Purpose and Need for Action by:

- Providing a quality facility located at a convenient location to provide information and interpretive services and by providing environmental and historical background for an area renowned for its geological features and scenic beauty. This is consistent with the Cascade Lakes Scenic Byway Corridor Management and Interpretive Plan.
- Serving as a place for Forest Service staff and community volunteers to engage many of the over 2.5 million annual visitors to the Deschutes National Forest, with information and conservation and interpretive messages and providing a necessary venue for the sale of maps, permits, and Forest passes.

One of the primary goals in the Byway's Corridor Management and Interpretive Plan is to provide information and interpretation at key locations through public and private partnerships. The Cascade Lakes Scenic Byway Corridor Management Plan was originally developed in 1996 by the Travel Information Council, Oregon Department of Transportation, Bend Area Chamber of Commerce, and the Deschutes National Forest. This plan was updated in 2009. As a major gateway to the Deschutes National Forest via the Cascade Lakes National Scenic Byway, the Welcome Station will benefit byway travelers and Central Oregon communities.

Alternative 2 will implement the actions as displayed in Table 1.

Table 1: Welcome Station and Associated Actions

Welcome Station and Associated Actions	
Welcome Station	1,500 square feet
Parking Lot	27-30 spaces
Informational Kiosk	Kiosk
Split Rail Fence	3 feet high, 1,400 feet in length
Entrance/Exit Road	200 feet
Entrance Road Gate	One
Estimated Construction Costs	
Building Costs	\$450,000
Access Road and Highway Safety Improvements	\$210,000
Site Work	\$255,550

* Funding Source: Federal Highway = 80%; Forest Service = 20%

Resource Protection Measures (Mitigations)

Alternatives are designed to be consistent with the desired condition specified in the LRMP and the standards and guidelines contained therein. Mitigation measures are an integral part of the action alternative. The following will be applied to reduce potential adverse impacts of Alternative 2 (Proposed Action). Mitigation measures are considered in the effects discussions of Chapter 3.

The proposed action will comply with direction in relevant laws and policies, and the standards and guidelines in the Deschutes National Forest Land and Resource Management Plan as amended by the Eastside Screens.

Wildlife

1. If exterior lights are required for human safety at the welcome station, motion detector lights that stay on for a minimum time will be installed and directed away from ungulate habitat.
2. The welcome station will include interpretive information on maintaining ungulate winter habitat security, and will include ways to avoid potential negative effects from recreational use (i.e., keeping dogs on leash, staying on trails, observing or reducing vehicle speeds, observing area closures).
3. From December 1-March 31, signs will be installed at the visitor parking lot prohibiting parking to access the trails for dog walking, hiking, mountain biking, and cross-country skiing.
4. The facility will be designed so that outdoor public use, including dog walking, will occur away from the northern edge of the site to reduce potential disturbance to wildlife, primarily elk.
5. Signs in the visitor parking lot will limit parking time to approximately one half hour.
6. The following seasonal restrictions will be implemented within ¼ mile of newly discovered nest sites or activity centers for MIS Raptors during welcome station construction related activities:
Northern Goshawk and Red-tailed hawk: March 1 through August 31
Cooper's hawk and Sharp-shinned hawk: April 15 through August 31

Soils

1. Include Best Management Practices as part of the project design. Apply appropriate erosion-control measures to all ground disturbing activities associated with the construction and development of new facilities, as described in General Water Quality Best Management Practices (Pacific Northwest Region, 1988).
2. Facilities will be designed so that concentrated runoff from impervious surfaces, such as the parking lot and roofs, will be collected on-site using retention, dissipation, infiltration, and separation structures as measures to treat and control stormwater.

Botany – Invasive Species

1. Clean-equipment contract clauses will be used to minimize the risk of introduction and spread of invasive plant species by contractors.
2. Any fill materials will be gathered only at weed-free quarries or other weed-free source sites.
3. To the greatest extent possible, soil disturbance will be minimized and native vegetation retained, consistent with project objectives.
4. To the greatest extent possible, invasive plant species will be manually removed from the project site prior to ground-disturbing activities, especially plants likely to flower or fruit during project implementation.

Scenic Views

1. Native vegetation will provide a visual buffer between the visitor parking area and Highway 46.

Smoke Management

1. Burning will be conducted under the State of Oregon Smoke Management System to track smoke and coordinated through Oregon Department of Forestry.

Decision Rationale

Alternative 2 addresses and meets the purpose and need for the project and is consistent with the Cascade Lakes Scenic Byway Corridor Management and Interpretive Plan. The Welcome Station will be located at the key northern gateway to the Scenic Byway (Highway 46) and will provide a service to the public that utilize the Scenic Byway and other areas of the Forest that are accessed from this Highway. Highway 46 provides the main access to Mt. Bachelor, high lakes, campgrounds, and many Wilderness and non-Wilderness trailheads that all receive substantial use. It also accesses Highway 58, a primary east-west highway that connects Highway 97 in Central Oregon and Interstate 5 that is located west of the Cascade Mountains.

Bend and Central Oregon are destinations for a variety of year-round outdoor pursuits, drawing over 2.5 million annual visitors to the Deschutes National Forest. Serving as a gateway for recreation and scenic byway information and interpretation to byway travelers, this facility serves those driving the Byway from the south and provides services for the local community and visitors from Bend that will access the Byway from the north. The location is a “hub” connecting trail systems to the north and south of the Byway.

Currently, visitors and locals who want access to a Forest Service office for information, maps, passes, or other reasons, can visit the Forest Headquarters or District office in Bend. However, these offices will be relocating to the northeast side of Bend in 2011 making the welcome station a convenient location for visitors to access this information.

Sufficient information has been disclosed in the analysis to make a reasoned choice among alternatives and no significant impacts on the quality of the human environment have been identified. Information available from past actions of similar context and intensity in this area also indicates that no significant impacts are likely.

Alternative 2 is consistent with the LRMP. A variety of standard mitigation measures and Best Management Practices (EA Chapter 2, pages 18 and 19 and Project Record, Appendix A) have been included to ensure Forest Plan consistency (EA, Chapter 3, reports) and are a part of this decision.

Other Alternatives Considered in Detail

In addition to Alternative 2, Alternative 1 (No Action) was developed and analyzed, but not selected (EA Chapter 2 – Alternatives – pages 13 through 17; and EA Chapter 3 – Affected Environment and Environmental Consequences – pages 20 through 57). Three other alternatives were also considered but were eliminated from further analysis (EA page 19).

- **Alternative 1 (No Action):** I am not selecting this alternative because this alternative does not meet the purpose and need for action and would not provide necessary and important services to Forest and Scenic Byway visitors.

Under the no action alternative, the project area would remain undeveloped. The Byway travelers would obtain information from administration offices on the east side of Bend. Interpretive information would be limited to existing sites along the Scenic Byway.

- **Alternatives Considered but Eliminated from Detailed Analysis**

1. *An alternative was considered that would have provided additional parking and a trailhead for connecting to a nearby mountain bike trail.*

There is currently no trailhead parking or existing trails that begin or end at the proposed site. The proposed development for parking at the Welcome Station will be short-term parking for Byway visitors seeking interpretation and information for the Cascade Lakes National Scenic Byway and the Deschutes National Forest. The LRMP explicitly states for recreation management in the Ryan Ranch Key Elk Area (WL-45, page 4-56) that “Facilities will not be developed nor activities promoted which would encourage public use during the winter.” A trailhead would encourage dispersed recreational use that would originate from this site during the winter, primarily mountain biking and cross country skiing. Because that use would not be consistent with LRMP direction, it was not analyzed in detail.

2. *An alternative was considered that would have developed a Welcome Station at the existing North Gateway interpretive site and viewpoint.*

This site is located two miles to the west past the junction of Highway 46 and Forest Road 41 on the south side of Highway 46. This site was not selected because 1) most cars that are accessing the Scenic Byway from Bend would need to turn across traffic, 2) it is located at a higher elevation with the likelihood of more snow, and 3) installation of utilities would have been cost prohibitive.

3. *An alternative was considered that would have developed a Welcome Station on National Forest System land closer to Bend near the Forest boundary.*

This site would have had a more urban setting, rather than a desired remote forest setting. Additional traffic could cause congestion in areas that already have more traffic use than the site for the Proposed Action.

Scoping

Announcement of the project was included in the Schedule of Projects (Located on the Deschutes National Forest website) starting in the spring (April 1, 2009) issue. Scoping for the project included phone calls and field visits with key stakeholder groups and an article in the Bend Bulletin; the formal public scoping letter was mailed on June 10, 2009. The public scoping letter was mailed to approximately 98 individuals, businesses, and organizations, including the Confederated Tribes of Warm Springs, Burns Paiute Tribe, and The Klamath Tribes. No written or verbal communication regarding the project was received from any of the three mentioned tribes.

Comments in response to this scoping effort were received from 1 individual, 1 State, 1 local agency, and 1 private organization. Comments received were supportive of this project. All comments received during scoping are included in the Project Record and were considered during the analysis process.

The Draft EA was made available for a 30-day public comment period beginning February 1, 2010. A cover letter summarizing the project was sent to Tribes (16 Tribal members or representatives), approximately 76 individuals, businesses, and organizations that expressed an interest in the project. Four EAs were sent to those that commented during scoping. The EA was placed on the Deschutes and Ochoco National Forests website. Comments were received from 13 respondents. The summary of the comments and the response to those comments is located in Appendix A of the final EA.

Finding of No Significant Impact

Based on the site-specific environmental analysis documented in the Welcome Station Project EA, I have determined that this is not a major federal action that will significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not needed. An analysis of the cumulative effects of the planned resource activities indicated that the combined effects are environmentally acceptable for all forest resources. Based on the analysis, I expect only short duration adverse impacts from construction activities and long-term favorable impacts from implementation of Alternative 2. All adverse impacts are limited in scope and intensity and can be considered minor. This determination is based on the small scale of the area affected, the mitigation measures designed into the selected alternative (DN pages 2 and 3), and the following factors:

- (1) Beneficial and adverse direct, indirect and cumulative environmental impacts discussed in the EA have been disclosed within the appropriate context and intensity. No significant effects on the human environment have been identified. There will be no significant direct, indirect or cumulative effects to soil, water, fish, wildlife resources, inventoried roadless areas, wilderness areas, sensitive plant areas, stands of trees that display late or old characteristics or other components of the environment (EA pages 22-63).
- (2) No significant adverse effects to public health or safety have been identified (EA pages 35 and 62).

A deceleration (turn) lane will be constructed for those exiting Highway 46 to the Welcome Station from Bend, providing a measure of safety when turning by allowing through traffic to maintain the speed limit, reducing traffic congestion.

State regulations provide the guidance for air quality. If a market exists when the project is implemented, trees not meeting merchantability specifications could be utilized as firewood or biomass. Residual material will be piled and burned if not used for biomass. If pile burning occurs, smoke management will minimize the flow of smoke, and associated particulate matter (PM-10), to avoid high density human habitation or other sensitive areas of use to not significantly affect human health (EA Chapter 2, Mitigation Measures, pages 18 and 19).

- (3) There will be no significant adverse impacts to wetlands, wild and scenic rivers, prime farmlands, old growth forests, range and forestland. No significant effects are anticipated to any other ecologically sensitive or critical areas (EA pages 22-63), because none are present at the project site.

No treatments will occur within or immediately adjacent to wetlands. The nearest water or wetland is approximately 1 mile from the project area. (EA pages 4, 26, and 27).

- (4) The effects of implementation of this decision do not rise to the level of scientific controversy as defined by the Council of Environmental Quality (EA pages 22-63).
- (5) Based on previous similar actions, the probable effects of this decision on the human environment, as described in the EA, are well known and do not involve unique or unknown risks (EA, Chapter 3, pages 22-63).
- (6) This action does not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration.
- (7) This decision is made with consideration of past, present and reasonably foreseeable future actions on National Forest land and other ownerships within potentially affected areas which could have a cumulatively significant effect on the quality of the human or natural environment. I find there to be no such cumulative significance (EA, Chapter 3, pages 22-63).

- (8) Based on the pre-disturbance survey and record search of the project area, the project proposal will have "no properties affected" (as defined in 36 CFR 800.4 (b)(1)) on any listed or eligible cultural resources (EA page 60).
- (9) The biological evaluations for the area indicates that the proposed project will have no significant adverse impacts on any proposed, endangered, sensitive or threatened plant or animal species (EA: Fish pages 27 and 28, Wildlife pages 37-55, Botany page 59). Should any endangered or threatened species be found following the implementation of the project, the environmental analysis will be reviewed and revised, if necessary.
- (10) This decision is in compliance with relevant federal, state and local laws, regulations and requirements designed for the protection of the environment (EA pages 22-63). Effects from this action meet or exceed state water (EA page 27) and air quality standards (EA pages 35 and 62).

Other Findings

- This decision is in compliance with Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." No minority or low-income populations will be disproportionately affected from implementation of any alternative (EA page 61).
- No significant irreversible or irretrievable commitment of resources will occur. There will be some negligible irretrievable losses of dust caused by mechanical operations. There will also be an irretrievable loss of soil productivity in the areas of the building and pavement and as long as they remain in place (EA page 56).
- Irreversible commitments of resources are those that cannot be regained, such as the extinction of a species or the removal of mined ore. Irretrievable commitments are those that are lost for a period of time, such as the temporary loss of timber or soil productivity that will occur from the construction of the Welcome Station and parking area.
- None of the proposed activities will occur on landtypes that contain sensitive soils with a high hazard for surface erosion or potentially wet soils with high water tables that would require site-specific mitigation (EA page 31).
- The action alternative will not be expected to create any impacts that will cause irreversible damage to soil productivity. There is low risk for the proposed actions to cause soil mass failures (landslides) due to the inherent stability of dominant landtypes and the lack of seasonally wet soils on steep slopes (EA, page 34).
- Soils dedicated to management facilities, such as the parking area and the proposed Welcome Station, are considered an irretrievable loss of soil productivity until their functions have been served and disturbed sites are returned back to a productive capacity (EA page 31).
- The cumulative effects from the proposed actions combined with all past, present, and reasonably foreseeable future activities will maintain acceptable soil productivity for the growth of desired vegetation on undeveloped portions of the project area (EA page 33).
- The alternatives are consistent with the goals, objectives and direction contained in the Inland Native Fish Strategy (EA pages 27 and 28).
- There is no habitat within the project area that is classified as "Essential" for anadromous fisheries (EA page 27 and 28).
- Wetlands, fisheries, water quality and designated floodplains will not be adversely affected by any of the proposed management activities (EA pages 27, 28, and 63).

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Administrative Review or Appeal Opportunities

A 30-day notice and opportunity for comment was published in *The Bulletin* on March 19, 2008 and placed on the Deschutes and Ochoco National Forests Website, www.fs.fed.us/r6/centraloregon/projects/units/bendrock/index.shtml.


Substantive comments were received (refer to EA Appendix A). Therefore, this decision is subject to appeal pursuant to 36 CFR 215. Individuals or organizations that submitted comments during the comment period specified in 36 CFR 215.6 may appeal this decision. Any written appeal must be fully consistent with 36 CFR 215.14 (Content of an Appeal). Two copies of a written notice of appeal must be filed (regular mail, fax, e-mail, hand delivery, or express delivery) with the Appeal Deciding Officer (Regional Forester, ATTN: 1570 APPEALS) at 333 S.W. First Avenue, P.O. Box 3623, Portland, Oregon, 97208-3623. Appeals can be faxed to (503) 808-2255, sent electronically to appeals-pacificnorthwest-regional-office@fs.fed.us, or hand delivered to the above address between 7:45 AM and 4:30 PM, Monday through Friday, excluding holidays.

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf) only. In cases where no identifiable name is attached to an electronic message, verification of identity will be required. E-mails submitted to email addresses other than the one listed above, or in formats other than those listed, or containing viruses, will be rejected. It is the responsibility of the appellant to confirm receipt of appeals submitted by electronic mail.

Appeals, including attachments, must be postmarked or delivered within 45 days of the publication of the legal notice for this decision in *The Bulletin*, the newspaper of record. Attachments received after the 45-day appeal period will not be considered. The publication date is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Contact

For additional information: Robin Gyorgyfalvy, Scenic Byway Coordinator, Bend/Fort Rock Ranger District, 1230 NE Third, Bend, Oregon, 97701 (phone (541) 383-4786, email rgyorgyfalvy@fs.fed.us).



A. Shane Jeffries
District Ranger
Bend/Ft. Rock Ranger District
Deschutes National Forest

Date: 4/22/10

Figure 1: Vicinity Map – Proposed Cascade Lakes National Scenic Byway Welcome Station

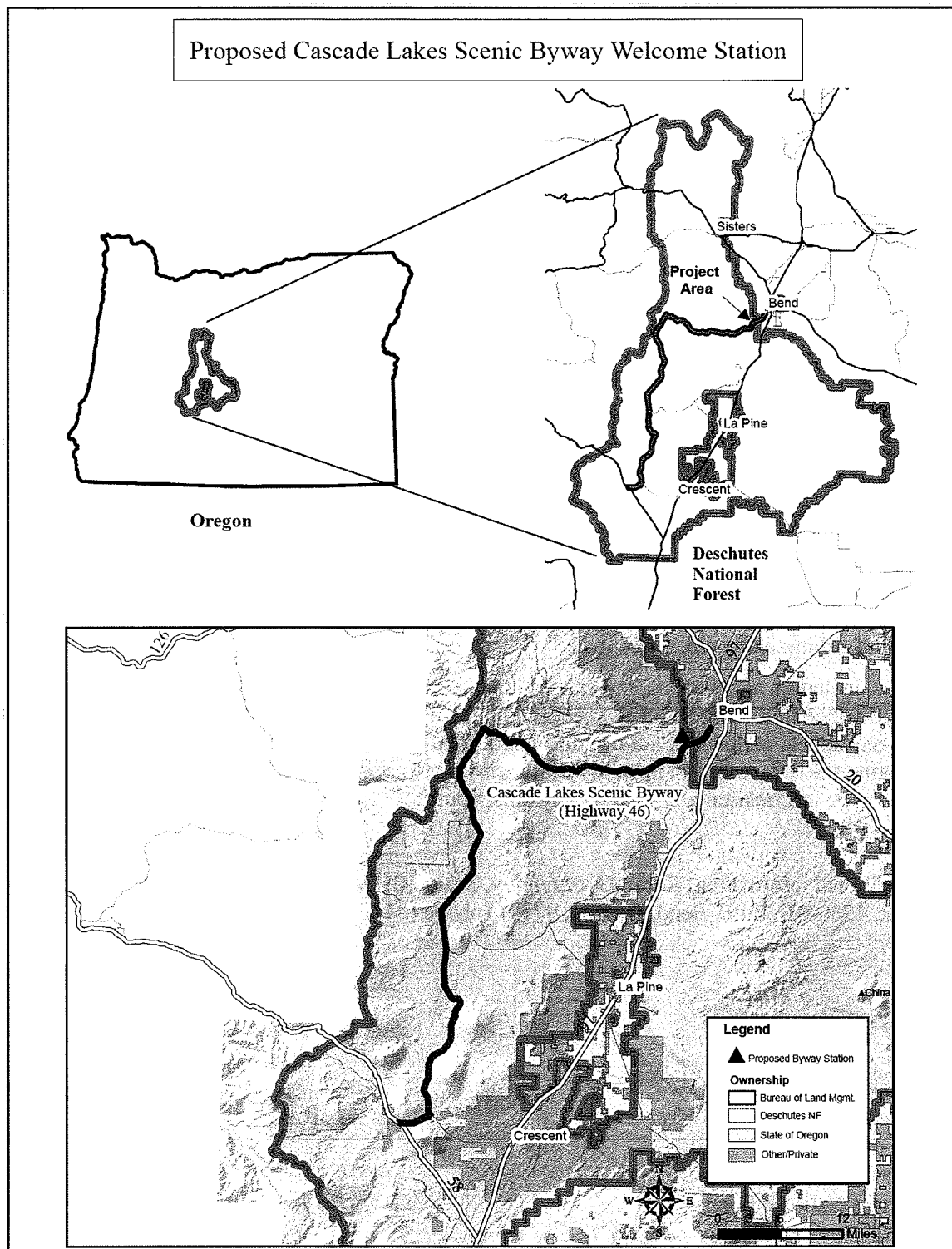


Figure 2: Welcome Station Location at Junction of Highway 46 and Forest Road 41

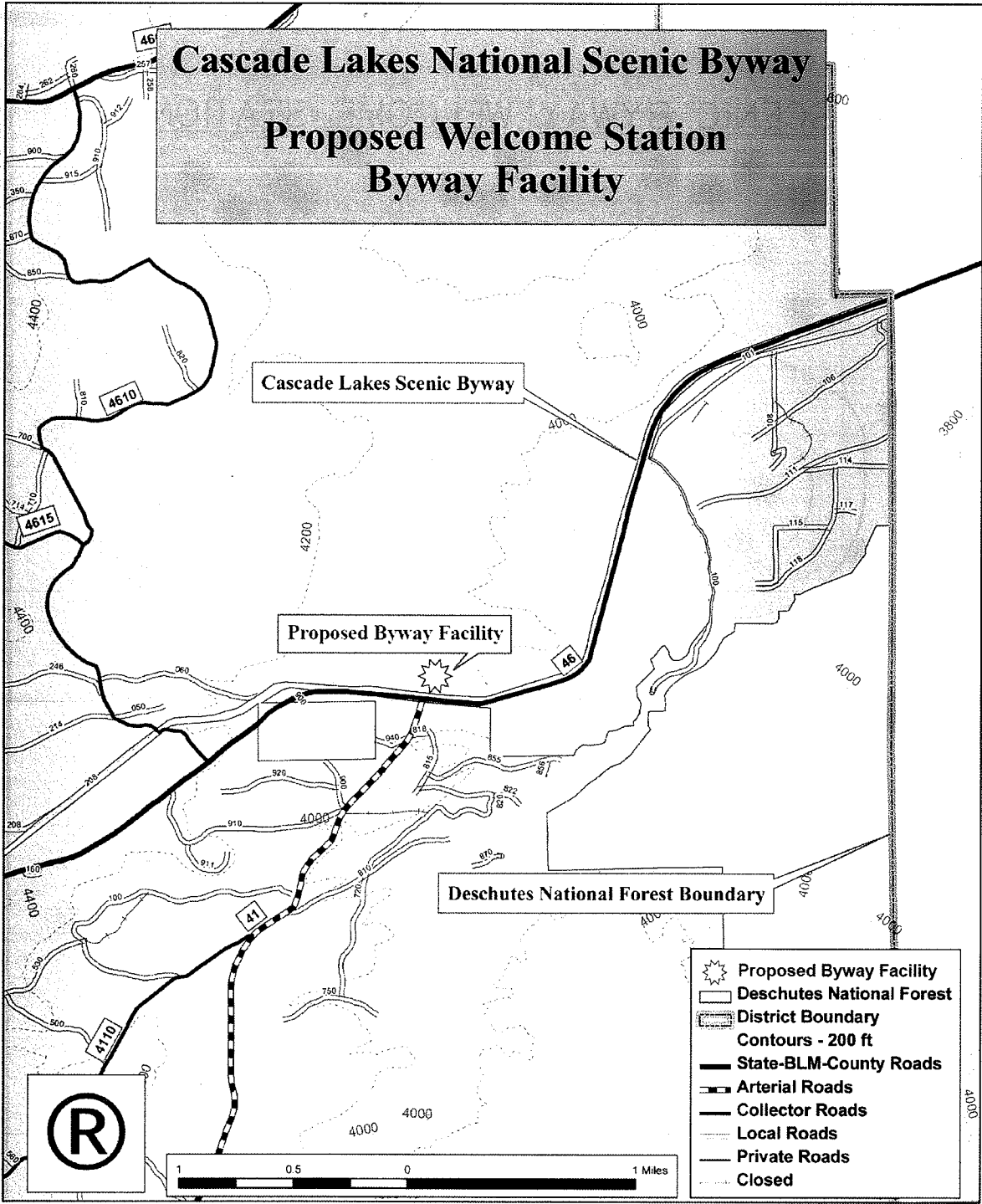


Figure 3: Alternative 2 (Proposed Action) Scenic Byway Welcome Station

